



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the Hiring of Firefighters From the Displaced Firefighter List Pursuant to Government Code Section 53270

MEETING DATE: June 20, 2012

PREPARED BY: Human Resources Manager

RECOMMENDED ACTION: Adopt resolution authorizing the hiring of firefighters from the Displaced Firefighter list pursuant to Government Code Section 53270.

BACKGROUND INFORMATION: The California Fire Fighter Joint Apprenticeship Committee (CFFJAC) has been directed through Government Code Section 53270 (Exhibit A) to maintain a list of qualified state and local firefighters who will be or have been terminated in California as a consequence of job elimination.

The Displaced Firefighters hiring list provides a way for those jurisdictions that are hiring new firefighters to easily access a talent pool of experienced front line firefighters. The hiring list has allowed fire departments to save time as well as money with regard to the hiring process. It also has given firefighters the ability to continue in their fire service career.

To qualify, for the Displaced Firefighter program the firefighter:

- Must be/have been a permanent career firefighter in good standing in a California state or local fire department. Civilian federal firefighters whose job was eliminated may also qualify.
- Must be terminated, or slated for termination, because of job elimination.
- Must have completed all required training as a full-time paid firefighter.

There is no mandate on departments to hire firefighters from the list. The list is simply a resource available to agencies to cut down on the amount of time and energy spent searching for qualified firefighters.

Staff recommends using the Displaced Firefighters list provided by CFFJAC as an available resource to fill the budgeted vacancies in our Firefighter classification.

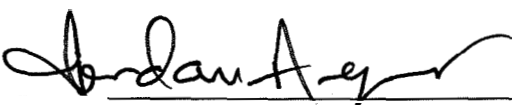
FISCAL IMPACT: None

APPROVED: _____


Konradt Bartlam, City Manager

FUNDING AVAILABLE: Not applicable.


Jordan Ayers, Deputy City Manager/Internal Services Director


for Dean Gualco, Human Resources Manager

GOVERNMENT CODE
Title 5. Local Agencies
Division 2. Cities, Counties, and Other Agencies
Part 1. Powers and Duties Common to Cities, Counties, and Other Agencies
Chapter 2. Officers and Employees
Article 3.7. Employment of Firefighters

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Gov Code § 53270 (2007)

§ 53270. Local agency hiring of permanent career civilian federal, state and local government firefighters whose jobs have been eliminated; List of eligible firefighters

(a) The Legislature hereby finds that the hiring of permanent career civilian federal, state, and local government firefighters by local agencies as specified in this section is in need of uniform statewide regulation and constitutes a matter of statewide concern that shall be governed solely by this section.

(b) Notwithstanding any other provision of law, upon approval by its governing body, a local government, including, but not limited to, a fire protection district, joint powers agency, or the fire department of a city, including a charter city, county, or city and county, or any political subdivision of one of these agencies, when hiring additional firefighters, may appoint as a member or officer any person who meets all of the following criteria:

(1) Was serving as a permanent career civilian federal firefighter in good standing at any United States military installation or was a permanent career firefighter employed by the state or a local government within the state.

(2) Has satisfactorily completed all firefighter training required for employment as a permanent career civilian federal, state, or local government firefighter.

(3) Was, as a consequence of the closure, downsizing, or realignment of a federal military installation, terminated as a permanent career civilian federal firefighter, or as a consequence of job-elimination, terminated as a permanent career state or local government firefighter, within 48 months prior to the appointment.

(c) The appointment authority created by this section shall take precedence over any provision of, or any condition or circumstance arising from a provision of, a charter, ordinance, or resolution that governs employment of firefighters, that would otherwise frustrate the purpose of this section, including, but not limited to, the following:

(1) The local government maintains a civil service or merit system governing the appointment of firefighters.

(2) The local government has available to it an eligible or regular reemployment list of persons eligible for those appointments.

(3) The appointed person is not on any eligible list.

(d) A local government may not employ a person pursuant to this section if a special reemployment list is in existence for the firefighter position to be filled.

(e) If a local government determines to appoint a person pursuant to this section, it shall give first priority to residents of the jurisdiction, and second priority to residents of the county not residing in the jurisdiction.

(f) The seniority, seniority-related privileges, and rank that a permanent career civilian federal, state, or local government firefighter possessed while employed at a federal military installation or by the state or a local government shall not be required to be transferred to a position in a local government fire department obtained pursuant to this section.

(g) To effectuate the purposes of this section, the California Firefighter Joint Apprenticeship Program may administer, prepare, and circulate to local governments a list of permanent career civilian federal, state, and local government firefighters eligible for appointment pursuant to this section. Placement on the list shall be governed by length of service as a permanent career civilian federal, state, or local government firefighter. A permanent career civilian federal, state, or local government firefighter may apply for placement on the list after he or she receives a notice of termination of position or a priority placement notice, and shall remain on the list for a period of 48 months.

HISTORY:

Added Stats 1997 ch 73 § 1 (SB 538), effective July 14, 1997. Amended Stats 1999 ch 305 § 1 (SB 258); Stats 2004 ch 126 § 2 (AB 1929).

NOTES:

Amendments:

1999 Amendment:

(1) Added "permanent career" before "civilian federal" wherever it appears in subds (a)-(c), (f), and the first paragraph of subd (g); **(2)** added ", downsizing, or realignment" after "the closure" in subd (b)(3); **(3)** substituted "those" for "such" after "persons eligible for" in subd (c)(2); and **(4)** amended subd (g) by **(a)** substituting "administer, prepare," for "prepare" in the first paragraph; and **(b)** adding "permanent career civilian" before "federal firefighter" wherever it appears in the second paragraph.

2004 Amendment:

(1) Substituted "career civilian federal, state, and local Government firefighters" for "career civilian federal firefighters" in subd (a); **(2)** substituted subd (b) for former subd (b) which read: "(b) Notwithstanding any other provision of law, upon approval by its Governing body, a fire protection district or the fire department of a city, including a charter city, county, or city and county, when hiring additional firefighters, may appoint as a member or officer of that fire protection district or fire department any person who meets all of the following criteria:"; **(3)** added "or was a permanent career firefighter employed by the state or a local Government" after "United States military installation" in subd (b)(1); **(4)** substituted "federal, state, or local Government firefighter." for "federal firefighter." in subd (b)(2); **(5)** substituted "civilian federal firefighter, or as a consequence of job-elimination, terminated as a permanent career state or local Government firefighter, within" for "civilian federal firefighter within" in subd (b)(3); **(6)** substituted "The local Government" for "The fire

protection district or fire department" in subds (c)(1) and (c)(2); **(7)** substituted "a local Government" for "The fire protection district or fire department" in subds (d) and (e); **(8)** amended subd (e) by substituting **(a)** "residents of the jurisdiction," for "residents of the district or city,"; and **(b)** "residing in the jurisdiction." for "residing in the district or city." at the end of the sentence; **(9)** substituted subd (f) for the former subd (f) which read: "The seniority, seniority-related privileges, and rank that a permanent career civilian federal firefighter possessed while employed at a federal military installation shall not be required to be transferred to a position in a fire protection district or fire department obtained pursuant to the provisions of this section."; and **(10)** amended subd (g) by **(a)** substituting "circulate to local Governments a list of permanent career civilian federal, state, and local Government firefighters" for "circulate to fire districts and fire departments a list of permanent career civilian federal firefighters" in the first sentence; **(b)** deleting "compiled by the California Firefighter Joint Apprenticeship Program" after "Placement on the list" in the second sentence; and **(c)** substituting "federal, state, or local Government firefighter" for "federal firefighter" in the second and last sentences.

Note

Stats 1999 ch 305 provides:

SEC. 2. The amendments to paragraph (1) of subdivision (b) of *Section 53270 of the Government Code* enacted by this act do not constitute a change in, but are declaratory of, existing law.

Hierarchy Notes:

Tit. 5, Div. 2 Note

Tit. 5, Div. 2, Pt. 1, Ch. 2 Note

Tit. 5, Div. 2, Pt. 1, Ch. 2, Art. 3.7 Note

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE HIRING OF FIREFIGHTERS FROM THE
DISPLACED FIREFIGHTER LIST PURSUANT TO
GOVERNMENT CODE SECTION 53270

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WHEREAS, the governing body of the City of Lodi has the authority to implement Government Code Section 53270; and

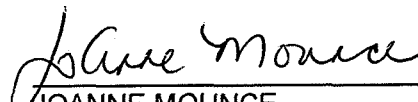
WHEREAS, Governor Schwarzenegger signed legislation in 2004 (AB 1929, Chapter No. 126) that enables laid-off state and local government firefighters to be added to an existing hiring list administered and maintained by the California Fire Fighter Joint Apprenticeship Committee (CFFJAC) pursuant to Government Code Section 53270; and

WHEREAS, the CFFJAC is a labor-management training partnership co-sponsored by the State Fire Marshal and the California Professional Firefighters. The CFFJAC currently provides employment training to more than 6,000 apprentice firefighters in more than 100 fire departments; and

WHEREAS, the CFFJAC's displaced firefighter hiring list provides a way for those jurisdictions that are hiring new firefighters to easily access a talent pool of experienced front line firefighters. The hiring list has allowed fire departments to save time, as well as money with regard to the hiring process. It also has given firefighters the ability to continue working in their chosen fire service career; and

WHEREAS, there is no mandate on departments to hire firefighters from the list, as the list is simply a resource available to agencies to cut down on the amount of time and energy spent searching for qualified firefighters.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes and adopts this Resolution for the employment of its firefighters and incorporates provisions of Section 53270 of Government Code, as amended by AB 1929.



JOANNE MOUNCE

Mayor

Dated: June 20, 2012

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I hereby certify that Resolution No. 2012-104 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 20, 2012, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Nakanishi

ABSTAIN: COUNCIL MEMBERS – None



RANDI JUHL

City Clerk